

## **VI. CEQA-REQUIRED ASSESSMENT CONCLUSIONS**

As required by CEQA, this chapter discusses the following types of impacts that could result from implementation of the proposed project: growth-inducing impacts; cumulative impacts; unavoidable significant effects; and effects found not to be significant.

### **A. GROWTH-INDUCING IMPACTS**

A project is considered growth-inducing if it would directly or indirectly foster economic or population growth or the construction of additional housing.<sup>1</sup> Examples of projects likely to have significant growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand.

The NMSD Project would not have any growth inducement effects. The project's various components would include; an affordable senior housing complex; a health center; a library; parking structures; commercial space; and streetscape improvements. The project site is in a developed area fully served by public utilities, and the project would include developing vacant lots or redeveloping lots with existing structures. There are no significant areas that are undeveloped adjacent to the project site. Additionally, the project would not remove any obstacles that would help facilitate growth or other activities that could significantly affect the physical environment.

Implementation of the proposed project would result in finite population growth that is not substantial in the context of the projected population growth in Milpitas from 2000 to 2010. Population growth associated with the proposed project would occur both directly and indirectly. Direct project-associated population growth would occur as a result of the construction of one manager's unit and up to 110 affordable housing units for senior citizens. As described in Chapter IV.B, Population and Housing, the population growth that would occur as a result of housing construction is not expected to be more than 220 people. Indirect population growth would occur in association with the jobs that are anticipated to be generated by the proposed project. These jobs would be associated with construction of the projects, and the jobs provided with the operation of the library, health center, parking structures, and retail component of the projects. Some of these employees, not currently residing in Milpitas, may choose to move to the city.

Anticipated population growth is well within the growth projected by ABAG, which projects population growth of 10,590 residents from 2000 to 2010. Direct population growth that would occur as a result of the proposed project would be approximately 2 percent of anticipated population growth from 2000 to 2010 and would not be considered substantial.

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<sup>1</sup> *CEQA Guidelines*, 2003, Section 15126.2(d).

## B. UNAVOIDABLE SIGNIFICANT EFFECTS

As discussed in Chapter IV of this EIR, the proposed project would result in the significant unavoidable impacts described below:

- **Transportation, Circulation and Parking.** The addition of traffic from the proposed project under Cumulative Conditions would significantly exacerbate AM peak hour operations on four and PM peak hour on eight of the study roadway segments that are projected to operate at unacceptable levels under General Plan Build plus Midtown Milpitas Specific Plan Conditions, including the following:
  1. Calaveras Boulevard Westbound – Abel Avenue to Milpitas Boulevard (AM Peak Hour)
  2. Calaveras Boulevard Westbound – Hillview Drive to I-680(AM Peak Hour)
  3. Abel Street Southbound – North Milpitas Boulevard to Calaveras Boulevard (AM Peak Hour)
  4. Main Street Northbound – Curtis Avenue to Carlo Street (AM Peak Hour)
  5. Calaveras Boulevard Eastbound – I-880 to Abbott Avenue (PM Peak Hour)
  6. Calaveras Boulevard Eastbound – Abbott Avenue to Abel Avenue (PM Peak Hour)
  7. Calaveras Boulevard Eastbound – Abel Avenue to Milpitas Avenue (PM Peak Hour)
  8. Calaveras Boulevard Eastbound – Milpitas Ave to Hillview Drive (PM Peak Hour)
  9. Calaveras Boulevard Eastbound – Hillview Drive to I -680 (PM Peak Hour)
  10. Abel Street Northbound – North Milpitas Boulevard to Calaveras Boulevard (PM Peak Hour)
  11. Main Street Northbound – Montague Expressway to Abel Street (PM Peak Hour)
  12. Main Street Northbound – Curtis Avenue to Carlo Street (PM Peak Hour)
- **Air Quality.** Project-related regional emissions would exceed the BAAQMD thresholds of significance for ozone precursors.
- **Cultural Resources.** The following significant and unavoidable impacts related to cultural resources would result from implementation of the proposed project.

Implementation of the Senior Housing element of the NMSD Project would result in the relocation on-site of the DeVries Home and the destruction of the Home's contributing outbuildings and historic plantings. The DeVries Home, including contributing features, is a historical resource under CEQA.

Construction of a parking garage adjacent to the Milpitas Grammar School, a historical resource under CEQA could have an adverse impact on the school's historical integrity.

Implementation of the Library element of the NMSD Project would result in the demolition of the Winsor Blacksmith Shop, a historical resource under CEQA.

## C. CUMULATIVE IMPACTS

CEQA defines cumulative impacts as “two or more individual effects which, when considered together, are considerable, or which can compound or increase other environmental impacts.” Section 15130 of the CEQA Guidelines requires that an EIR evaluate potential environmental impacts that are individually limited, but cumulatively significant.

### 1. Methodology

When evaluating cumulative impacts, CEQA allows the use of either a list of past, present, or reasonably anticipated relevant projects, including projects outside the control of the lead agency, or a summary of the projections in an adopted planning document. This cumulative impacts analysis considers development that is likely to occur under buildout of the General Plan and the Midtown Specific Plan and also considered specific development projects that have recently been approved or are under consideration. Developments that have been recently approved or have active applications before the City include the following:

- Apton Plaza: 230 N. Main Street – 96 residential units and 3,000 square feet of retail
- Town Center: N.E. corner of Milpitas and Calaveras Boulevard – 65 townhomes and redevelopment of approx. 75,000 square feet of retail
- South Main Manor: East side of Main and Serra Street – 13 residential units
- Parc Place: 95 E. Curtis Avenue – 285 residential units
- USA Properties: N.E. corner of Montague and Main – 120 senior housing units and 120 residential units
- Calaveras Center: 750 E. Calaveras Blvd – 16,000 square feet of office and restaurant
- 790 E. Capitol Avenue: 790 E. Capitol Avenue – 13,000 square feet of office and retail.

Because of their proximity to the NMSD project area, these projects could, together with the NMSD Project, cause a significant cumulative impact. The analyses for the NMSD Project included in Chapter IV, considered, where applicable, cumulative impacts that could occur based on planned growth promulgated through the Specific Plan and General Plan.

### 2. Cumulative Effects of the North Main Street Development Projects

The following analysis examines the cumulative effects of the proposed project. The potential cumulative effects of the proposed project are summarized below for each of the topics that are analyzed in Chapter IV of the EIR.

**a. Land Use and Planning Policy.** The proposed project is one of several projects that are currently in the planning process or under construction in the City of Milpitas. The proposed project would contribute to a higher density in the area, and a variety of uses along North Main Street, as anticipated in the General Plan. Because the proposed project is generally consistent with adopted plans and the overall vision for North Main Street, this contribution is not considered a cumulatively significant land use impact.

**b. Population and Housing.** The proposed project would add approximately 110 affordable senior housing units and one manager's unit to the existing housing stock in the City of Milpitas. As is described in Section IV.B, Population and Housing, the development would increase the population of the City of Milpitas by approximately 220 residents. This represents less than 1 percent of the City's current population, and approximately 2 percent of the population growth expected by 2010. The project would not create substantial unanticipated population or housing growth, or other adverse cumulative impacts related to population or housing.

**c. Transportation, Circulation and Parking.** The addition of traffic from the proposed project under Cumulative Conditions would significantly exacerbate AM and PM peak hour operations on several of the study roadway segments that are projected to operate at unacceptable levels under General Plan Build plus Midtown Milpitas Specific Plan Conditions. Refer to Section IV.C, Transportation, Circulation and Parking, which includes a detailed analysis of the cumulative and future conditions related to transportation.

**d. Air Quality.** A number of individual projects in the Milpitas area may be under construction simultaneously with the proposed project. Depending on construction schedules and actual implementation of projects in the area, generation of fugitive dust and pollutant emissions during construction may result in substantial short-term increases in air pollutants. This would be a contribution to short-term cumulative air quality impacts. However, each individual project would be subject to the BAAQMD rule and regulations, and other mitigation requirements during construction process.

Currently, the Basin is in non-attainment for PM<sub>10</sub> and O<sub>3</sub>. Construction of the proposed project, in conjunction with other planned developments within the cumulative study area and the subregion, would contribute to the existing non-attainment status. Thus, the proposed project would exacerbate nonattainment of air quality standards within the subregion and Basin and contribute to adverse cumulative air quality impacts. Section IV.D, Air Quality, includes a detailed analysis of the cumulative and future conditions related to air quality. Please refer to that discussion for cumulative operation-period air quality impacts resulting from implementation of the proposed project.

**e. Noise.** Implementation of the proposed project and cumulative projects would result in noise increases in Milpitas due to construction-period activity and increased traffic on City streets. However, noise increases associated with construction of the proposed project would be reduced to a less-than-significant level through implementation of Mitigation Measure NOISE-1, which would restrict construction activities to daytime hours and require the project sponsor to develop and implement a site-specific noise reduction program. It is anticipated that the cumulative projects in Milpitas would incorporate these standard noise-reduction measures and that the project construction would not result in substantial adverse cumulative noise impacts. The project's contribution to traffic-related noise would not be considered significant at the project or cumulative level. Refer to Section IV.E, Noise for the detailed analysis.

**f. Hydrology and Water Quality.** Cumulative development from projects within Milpitas, as well as the various components of the NMSD Project, would increase the level of urbanization within the city. Urban development usually results in an increase in the volume and rate of runoff due to reduced percolation of surface water and smoother and more impervious ground surfaces. However, the Milpitas Midtown Specific Plan EIR, which analyzes the impacts associated with the development

plan for a 942-acre Midtown area of Milpitas, does not identify any significant cumulative hydrology impacts.

The current storm drainage system in the City of Milpitas is undersized and significant storms result in nuisance flooding in streets and at drainage inlets during storm events. Several proposed improvements to the storm drainage system in the project vicinity were described in the Midtown Milpitas Specific Plan. These improvements included widening the Ford Creek channel, adding higher capacity outfalls and culverts at Railroad Avenue and Calaveras Boulevard, and constructing additional storm drainage pipes at Abel Street. However, the primary capacity issues in the City storm drainage system are “upstream” of the project site; therefore, localized flooding would likely occur even if all the proposed project area improvements were implemented.<sup>2</sup>

**g. Hazards Materials and Public Health and Safety.** The proposed project would not lead to any cumulative impacts related to hazards. Implementation of the proposed project would help to ensure that existing hazardous materials contamination on the project site is fully remediated. While the additional cumulative land uses on the various cumulative project sites may involve the use or storage of hazardous materials and waste, these activities are regulated by existing laws designed to prevent unacceptable health risks.

**h. Cultural and Paleontological Resources.** Construction activities associated with the NMSD Project and cumulative projects could result in significant impacts to unidentified archaeological and paleontological resources, and human remains. However, like the proposed project, the cumulative projects would be subject to extensive mitigation measures designed to protect unidentified cultural and paleontological resources. Such mitigation would include the monitoring of construction areas and ensuring that the recovery of human remains is reported to the proper authorities. The proposed project would result in the demolition of one significant historic architectural resources, the Winsor Blacksmith Shop. No other historic structures are known to be proposed for demolition as part of anticipated cumulative development. As a result, the project would not contribute to any significant cumulative historic resource impacts.

**i. Aesthetic Resources.** Implementation of the proposed project would not result in any significant cumulative aesthetic impacts. The area surrounding the project site is largely developed, and the proposed project is developing with uses that would be subject to design standards set forth in the General Plan and Midtown Specific Plan.

## **D. EFFECTS FOUND NOT TO BE SIGNIFICANT**

Meetings among representatives of the City of Milpitas departments involved in the project planning and review and consultants for the City were held to preliminarily determine the scope of the North Main Street Development (NMSD) Projects EIR. In addition to these meetings, Notice of Preparation (NOP) was circulated on July 8, 2004 and August 30, 2004, and a public scoping meeting was held on July 16, 2004 to solicit comments from the public about the scope of this EIR. Written comment received on the NOP were considered in the preparation of the final scope for this document and evaluation of the proposed project.

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<sup>2</sup> Khaila, Medhi, Land Development Engineer, City of Milpitas Engineering Department, personal communication with Todd Taylor of Baseline, 31 August.

The environmental topics analyzed in Chapter IV, Setting, Impacts and Mitigation Measures, represents those topics which generated the greatest potential controversy and expectation of adverse impacts among the project team and members of the public. The following topics were excluded from discussion in the EIR because it was determined these impacts to be less-than-significant during the scoping phase: Agricultural Resources; Biological Resources; Geology, Soils and Seismicity; Mineral Resources; and Public Services, Utilities, and Recreation.

### **1. Agricultural Resources**

As is discussed in the Milpitas General Plan, there are agricultural resources within the City of Milpitas. As is shown in Figure 4-3 of the Milpitas General Plan, there is no farmland, as defined by the Farmland Mapping and Monitoring Plan (FMMP), in or immediately adjacent to the project site. Additionally, no area within the project area is currently being used for crop production.

### **2. Biological Resources**

The project site is largely developed, but does contain some vacant fields. These fields do not contain any significant vegetation.

According to the Milpitas General Plan, a March 1994 search of the California Natural Diversity Data Base (CNDDB) established the known presence of only one endangered species (the salt marsh harvest mouse) and one "species of special concern" (the golden eagle) in the Planning Area. Neither of these species has been identified as potentially located within the project area.

Additionally, in 1994 the California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Vascular Plants of California* was consulted for potentially endangered plant species within the Planning Area. The alkali milk vetch was listed by the CNPS as having been found in the Planning Area, in an area adjacent to the project site. While the CNDDB lists the alkali milk vetch as existing, the last siting of this plant was in 1905.

### **3. Geology, Soils and Seismicity**

Due to the flat topography of the project site, the area would not be subject to landslides or lateral spreading. The project site, as is the case with most of the San Francisco Bay Area, is subject to ground shaking associated with earthquakes, and the soils in many parts of Milpitas are susceptible to liquefaction.

### **4. Mineral Resources**

As is noted in the Milpitas General Plan, there are four areas within the Planning Area that contain mineral resources. These four area are currently being mined. There are no identified mineral resources within the project area.

### **5. Energy**

The proposed new uses of the project site are more intensive than the existing on-site conditions, and would therefore use more energy. However, all new development would be required to incorporate energy conservation measures in compliance with Title 24 and the Uniform Building Code.

Additionally, the proposed project would include a COGEN component, which would reduce the overall energy demand of the project site.

## **6. Public Services, Utilities and Recreation**

The proposed project falls within the Midtown area of Milpitas. The provision of public services, utilities and recreational facilities within the Milpitas Midtown area are discussed in the Milpitas Midtown Specific Plan. This Plan anticipates increased population within the Midtown area. Potential impacts related to the provision of public services, utilities and recreational facilities are discussed in the Midtown Milpitas Specific Plan EIR.

